

AMENDED IN ASSEMBLY MARCH 17, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

Assembly Constitutional Amendment

No. 11

Introduced by Assembly Member Bill Berryhill

*(Coauthors: Assembly Members Anderson, Conway, DeVore, Fuller,
and Silva)*

(Coauthors: Senators Aaenstad and Huff)

February 26, 2009

Assembly Constitutional Amendment No. 11—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 32 to Article I thereof, relating to hunting and taking game.

LEGISLATIVE COUNSEL'S DIGEST

ACA 11, as amended, Bill Berryhill. ~~Hunting and taking game.~~
Wildlife: hunting and fishing.

The California Constitution authorizes the Legislature to delegate to the Fish and Game Commission powers relating to the protection and propagation of fish and game. Existing statutory law delegates to the commission the power to regulate the taking or possession of birds, mammals, fish, amphibia, and reptiles in accordance with prescribed laws. Under existing law, the Department of Fish and Game exercises various functions with regard to the taking of fish and game.

This measure would establish the right to hunt ~~and take game in the state~~ and fish wildlife, as defined, subject only to statutes enacted by the Legislature and regulations adopted by the Fish and Game Commission to promote wildlife conservation and management. It would provide that public hunting and fishing, including the use of traditional

methods, as defined, would be a preferred means of managing and controlling wildlife.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

1 *Resolved by the Assembly, the Senate concurring, That the*
2 Legislature of the State of California at its 2009–10 Regular
3 Session commencing on the first day of December 2008, two-thirds
4 of the membership of each house concurring, hereby proposes to
5 the people of the State of California, that the Constitution of the
6 State be amended as follows:

7 That Section 32 is added to Article I thereof, to read:

8 ~~SEC. 32.— (a) The people have the right to hunt and take game~~
9 ~~in the State, subject to the other provisions of this section. Neither~~
10 ~~the Legislature nor the Fish and Game Commission shall impose~~
11 ~~an absolute prohibition on the right to hunt or take game.~~

12 ~~(b) The State shall encourage public and private facilities that~~
13 ~~provide the public with the opportunity to learn and practice safe~~
14 ~~hunting and shooting skills.~~

15 ~~(c) This section does not authorize an individual to unlawfully~~
16 ~~enter upon private property for the purpose of hunting or to taking~~
17 ~~game.~~

18 ~~(d) This section does not authorize an individual to hunt or take~~
19 ~~a species protected by federal or state law.~~

20 ~~(e) This section does not prohibit the Legislature or the Fish~~
21 ~~and Game Commission in accordance with Section 20 of Article~~
22 ~~IV from imposing conditions necessary for the protection and~~
23 ~~propagation of game.~~

24 *SEC. 32. (a) The citizens of this State have the right to hunt*
25 *and fish wildlife, subject only to statutes enacted by the Legislature*
26 *and regulations adopted by the Fish and Game Commission to*
27 *promote wildlife conservation and management. Public hunting*
28 *and fishing, including the use of traditional methods, shall be a*
29 *preferred means of managing and controlling wildlife. This section*
30 *shall not be construed to modify any provision of law relating to*
31 *trespass or property rights.*

32 *(b) For purposes of this section, the following definitions apply:*

33 *(1) “Traditional methods” includes, but is not limited to, bows*
34 *and arrows, and any other methods as determined by the*
35 *commission.*

- 1 (2) *“Wildlife” means all species of animals including, but not*
- 2 *limited to, mammals, birds, fish, reptiles, amphibians, mollusks,*
- 3 *and crustaceans, that are regulated by statute or regulation.*

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